

The sufficient amounts of plasticizing agents are defined in the specification and can be found in the subject published application (U.S. Patent Application Publication No. 2002/01500663) paragraph [0032].

The disclosure in the Sato reference is deficient because it does not disclose the baking mixture for baked goods that are heat-deformable when hot and maintain a heat-deformed shape when said baked goods are cooled, as currently claimed. In fact, Sato teaches the opposite by stating the composition:

“has a good release property from a baking mold (and) does not give rise to distortion after the release from the molds.”

This is the very opposite of the claimed invention that is able to be formed **after** it is baked.

Thus, the teaching of Sato cannot anticipate if it teaches a complete opposite.

Anticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim. “; W. L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 U.S.P.Q. (BNA) 303 (Fed. Cir. 1983).

The Sato does not have the required disclosure to meet the requirements at law establishing anticipation because each of the elements are not disclosed.

merely discloses a composition that imparts a long shelf life after processing and does not have any disclosure for the subject invention as now claimed.

The Berkowitz reference, like Sato, does not have the required disclosure to meet the requirements at law establishing anticipation because each of the elements are not disclosed.

Because of the failure of the Berkowitz reference to anticipate the claimed invention, applicant asserts a rejection under 35 USC 102(b) cannot be properly applied.

Applicant respectfully request reconsideration and withdrawal of this rejection.

### **III. REJECTION OF CLAIMS 36-59 UNDER 35 USC 103(a).**

The Office Action has rejected the pending claims under 35 USC 103(a) as being unpatentable over Kim. (US Patent No. 4,442,132) in view of Kondo(JP 1-312960) and the above-mentioned Sato and Berkowitz references.

Applicant respectively traverses this rejection.

The elements of the present invention, as now claimed, are set forth above.

The Office Action states, pages 3 – 4, that the Kim product becomes soft quickly.

Applicant respectfully points out the Kim teaches away from the present invention, in